IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 12787 of 2005

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* * *

Between :

1 Katali Raghaulu S/o Pullaiah
R/o Vaivaka Village Mudinepelli Mandal, Krishna District
2 Nekki Gowri Naidu S/o Chinna Appala Naidu
R/o Vaivaka Village Mudinepelli Mandal, Krishna District
3 Chintalapati Padmanabha Raju S/o Satyanarayana Raju
R/o Vaivaka Village Mudinepelli Mandal, Krishna District
4 Koppisetti Srinivasa Rao S/o Badradri
R/o Vaivaka Village Mudinepelli Mandal, Krishna District
5 Vegesina Narasimha Raju S/o Rajim Raju
R/o Vaivaka Village Mudinepelli Mandal, Krishna District
6 Chekuri Jansi Lakshmi W/o Bulivenkata Raju
R/o Vaivaka Village Mudinepelli Mandal, Krishna District
7 Koppisetti Srinivasa Rao S/o Venkat Rao
R/o Vaivaka Village Mudinepelli Mandal, Krishna District

..... PETITIONERS

A N D

1 The Mandal Revenue Officer, Mudinapelli Mandal, Krishna District
2 The Revenue Divisional Officer, Gudivada Krsihna district
3 The District Collector, Krishna District at Machilipatnam

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Mandamus, declaring the action of the respondents herein trying to interfere with the possession and enjoyment of petitioners lands admeasuring Acs:16-96 cents situate in S. Nos. 70, 771, 778, 779 and 789 of Vaivaka Village, Mudinepalli Mandal, Krishna District, without taking any proceedings under law, without issuing any prior show cause notice, as illegal, arbitrary, unreasonable without authority of law violative of principles of natural justice and contrary to the provisions of Articles 14, 21 and 300-A of the Constitution of India issue a Consequential direction to the respondents herein not to interfere with petitioners possession and enjoyment of their above said and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.M.RAJAMALLA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following : (order follows 3rd page**)**

O R D E R :

This writ petition is filed questioning the action of the respondents in trying to interfere with the possession and enjoyment of the petitioners over the land in survey nos. 770, 771, 778, 779 and 789 of Vaivaka village of Mudinepalli Revenue Mandal in Krishna district without initiating any proceedings under law or without issuing any show cause notice as arbitrary, illegal and violative of Article 14, 21 and 300-A of the Constitution of India.

The case of the petitioners is that in the year 1992 the first respondent granted ‘D’ form pattas in Vaivaka village, Mudinepalli Revenue Mandal, Krishna district; namely, the first petitioner was granted ‘D’ form patta bearing No.34/1401 to an

extent of land admeasuring Acs:2-08 cents in survey nos.779/3P, 779/4 and 779/5; the second petitioner was granted ‘D’ form patta bearing No.31/1401 to an extent of land admeasuring Acs:2-49 cents in survey nos. 778/1, 778/2, 770/5P; the third petitioner was granted ‘D’ form patta bearing No.32/1401 to an extent of land admeasuring Acs:2-41 cents in survey nos.770/3, 778/3P and 778/4; the fourth petitioner was granted ‘D’ form patta bearing No.30/1401 to an extent of land admeasuring Acs: 2-48 cents in survey nos.770/2P, 770/3; the fifth petitioner was granted ‘D’ form patta bearing No.333/1401 to an extent of land admeasuring Acs:2-49 cents in survey nos.779/1, 779/2 and 779/3; the sixth petitioner was granted ‘D’ form patta bearing No.44/1402 to an extent of Acs:2-61 cents in survey nos.789/1, 789/2, 789/3 and 789/4; the seventh petitioner was granted ‘D’ form patta bearing No.29/1401 to an extent of Acs:2-40 cents in sy.nos.771/1, 771/2 and 771/3. All the aforesaid ‘D’ form pattas granted to the petitioners were marked as Exs.P1 to P7 respectively. Eversince the date of grant of ‘D’ form pattas by the first respondent in their favour, they have been in possession and enjoyment over the said extents of land. Thereafter, the petitioners developed the land and eking out their livelihood by cultivating the lands. The first respondent issued pattedar passbooks as well as title deeds in favour of the petitioners and Exs.P8 and P9 are the title deeds and revenue receipts. Eversince the grant of pattedar passbooks, the petitioners are paying land revenue to the Government. The first respondent by his Proceedings ROC.No.2716/2004, dated 25-3-2004 certified that the petitioners were issued ‘D’ form pattas with regard to the aforesaid extent of lands and the same is marked as Ex.P10.

While things stood thus, during May 2005 at the instance of some anti-social elements, the respondents 1 to 3 tried to interfere with their possession and enjoyment over the said lands and asked them to vacate. Thereupon, the petitioners submitted a representation to the first respondent on 23-5-2005 seeking not to cancel the 'D' form pattas which were issued in their favour. The petitioners submit that they are landless poor and as on today, the 'D' form pattas granted to them are subsisting and without issuing any show cause notice the action of the respondents in trying to interfere with their possession and enjoyment over the aforesaid land on 06-6-2005 and 10-6-2005 tantamount to without authority of law and contrary to Article 14, 21 and 300-A of the Constitution of India.

Heard the learned counsel appearing for the petitioners and also the learned Government Pleader for Revenue.

After going through the material placed on record vis-a-vis the certificate issued by the first respondent in ROC.No.2716/2004 dated 25-3-2004 would decipher that the aforesaid 'D' form pattas were issued to the petitioners is verified with assignment register and found to be genuine. It is also not in dispute with regard to possession and enjoyment of the petitioners over the aforesaid extent of land. The first respondent also certified that the aforesaid 'D' form pattas will not be transferred to any person in-as-much-as the above lands will not come under the purview of below 48 contour and C.R.Z.I. and II. When the material record placed before this court would *ipsofacto* depict that the petitioners are in possession and enjoyment over the aforesaid extent of land since 1992, there is no reason as to why the respondents are trying to camouflage and interfere with their possession and enjoyment over the

said extent of land which were granted under ‘D’ form pattas without initiating due process of law. In these circumstances, I deem it appropriate to dispose of this writ petition with a direction to the respondents 1 to 3 not to interfere or dispossess with the possession and enjoyment over the petitioners land admeasuring Acs:16-96 cents situate in survey nos. 770, 771, 778, 779 and 789 of Vaivaka village of Mudinepalli Revenue Mandal of Krishna district, without initiating due process of law.

With the above direction, the writ petition is disposed of. No costs.

JUNE 16th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1. The Mandal Revenue Officer, Mudinapelli Mandal, Krishna District
2 . The Revenue Divisional Officer, Gudivada Krsihna district
3. The District Collector, Krishna District at Machilipatnam

4. The Government Pleader for Revenue, High Court Buildings, High Court of AP Hyderabad.

5. 1 CC to MR.M.RAJAMALLA REDDY, Advocate, Bar Association, High Court Buildings, High Court of AP Hyderabad.

6. Two C.D. Copies.